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February 20, 2008

VIA ECF

Honorable Patti B. Saris
U.S. District Judge
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Suite 2300
Boston, MA 02210

Re: *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL
No. 1456, CV 01-12257

Dear Judge Saris:

This Firm is counsel to Managed Healthcare Associates, Inc. ("MHA"), which is not a party in the above MDL.

On February 13-14, 2008, MHA produced two corporate designees in response to the U.S. Department of Justice's Fed. R. Civ. P. 30(b)(6) subpoena in one of the MDL cases – *United States of America, ex rel. Ven-a-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.*, Civil Action No. 06-11337-PBS. The DOJ originally served the subpoena on December 11, 2007 and subsequently served an amended subpoena (the "DOJ Subpoena") on January 25, 2008. The certificate of service to the DOJ Subpoena indicates that it was served on all counsel of record in the MDL on January 25, 2008 via LexisNexis File & Serve.

In connection with another MDL case – *Commonwealth of Massachusetts v. Mylan Laboratories, Inc. et. al.*, Civil Action No. 03-CV-11865-PBS – defendant Purepac Pharmaceutical Company also served MHA with a Rule 30(b)(6) subpoena (the "Purepac Subpoena"). MHA has agreed to produce a corporate designee for deposition at Pepper Hamilton LLP's offices in Princeton, New Jersey on February 25, 2008.

Non-party MHA needs to limit repetitive depositions of its personnel, and respectfully requests that the Court fashion an appropriate procedure so that third party witnesses, such as MHA, need be produced only once for all litigants. Further, to prevent MHA from having to sit for depositions in any parallel state cases not a part of this MDL, we also ask this Court to enter an order directing that the Purepac Subpoena be cross-noticed in all parallel state court actions. We would be pleased to submit such a proposed order at the Court's direction.

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By this letter, MHA advises the parties that it anticipates seeking protection from the Court from further depositions in the MDL.

Thank you for your attention to this matter.

Respectfully,

/s/ Jeremy D. Frey

Jeremy D. Frey
Eric J. Goldberg

JDF:jmn